

Congress of the United States
House of Representatives
Washington, DC 20515-2308

February 23, 2023

The Honorable Antony Blinken
Secretary
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Blinken:

I write today to express significant concerns and request answers regarding the Administration's Memorandum of Understanding (MOU) signed recently with the Democratic Republic of the Congo (DRC) and Zambia.¹

We must address the pressing need to stabilize and secure America's mineral supply chains with our own domestic natural resources. Instead, this Administration looks to source these minerals from countries with suspect records in terms of environmental standards, child and slave labor, and corruption.

I agree that cobalt is a necessary component in the energy technology crucial to achieving this Administration's goal of reaching net-zero emissions by 2050.² To realize this ambitious goal, it will take a massive buildout of wind and solar generation, battery storage, electric vehicle manufacturing, and more. Cobalt is used in battery cathodes to protect against overheating. Because wind and solar energy lacks the dispatchability of other fuels, a vast buildout of battery storage is paramount for grid stability. Meanwhile, cobalt is needed in EV batteries to prevent combustion while driving down the road. To meet this need, the International Energy Agency (IEA) estimates that the world must increase cobalt production by 60-70%.³

However, relying on the DRC to meet our needs for this vital mineral poses significant moral conflicts and security risks. For example, Amnesty International estimates that roughly 40,000 boys and girls work as artisanal miners in the DRC to produce the cobalt needed for daily life worldwide.⁴ Additionally, Mr. Siddharth Kara, an international leader in investigating human rights abuses, spoke about his firsthand experiences in the Congo:

¹ <https://www.state.gov/the-united-states-releases-signed-memorandum-of-understanding-with-the-democratic-republic-of-congo-and-zambia-to-strengthen-electric-vehicle-battery-value-chain/>

² <https://www.whitehouse.gov/briefing-room/statements-releases/2021/12/08/fact-sheet-president-biden-signs-executive-order-catalyzing-americas-clean-energy-economy-through-federal-sustainability/>

³ <https://www.iea.org/reports/the-role-of-critical-minerals-in-clean-energy-transitions/mineral-requirements-for-clean-energy-transitions>

⁴ <https://www.amnesty.org/en/latest/campaigns/2016/06/drc-cobalt-child-labour/>

“We can’t function on a day-to-day basis without cobalt, and three-fourths of the supply is coming out of the Congo... and it’s being mined in appalling, heart-wrenching, dangerous conditions.”⁵

Tunnel collapses and crippling injuries are common occurrences. Children as young as seven years-old work in inhumane conditions, using hammers, chisels, and their own hands to pick rocks that hopefully result in cobalt ore. Young mothers with newborns work in dire conditions praying they find something that can be sold to buying agents for Chinese-owned companies so they can provide for their children and their families.

The issues with mining in the DRC are well understood by this Administration. The Bureau of International Labor Affairs acknowledges how severe slave labor is in DRC:

“Cobalt is often mined by children exploited in dangerous and illegal child labor.

Recognizing the prevalence of child labor in the mining of this mineral, in 2009 the Department of Labor placed cobalt ore from the DRC on its List of Goods Produced by Child Labor or Forced Labor. Over a decade later, child labor persists in cobalt production, raising risks for the entire lithium-ion battery supply chain.

Child labor, under international standards, means work (excluding permissible light work) below the minimum age as established under national legislation—usually 14 or 15 years old—as well as the worst forms of child labor which, for children under the age of 18, includes all forms of slavery, commercial sexual exploitation, illicit activities, and hazardous work that is likely to harm their health, safety, or morals.”⁶

The likely environmental degradation that will occur due to increased mining in the DRC and Zambia should also not go unnoticed. In a 2017 report, leaders from the UN Environmental Program cautioned against the impacts increased mining would have in the DRC, including “increased deforestation, species depletion, heavy metal pollution and land degradation from mining, as well as an acute drinking water crisis which has left an estimated 51 million Congolese without access to potable water.”⁷ In advancing our global clean energy goals, we must prioritize responsible development of our resources.

Meanwhile, Americans are proud of our strong domestic environmental record here at home. Reclaimed mines in northern Minnesota serve as drinking water sources for entire communities as well as world-class fishing and recreation destinations. We develop many types of energy with some of the most stringent environmental regulations and standards. Ensuring these critical minerals are mined under the most environmentally friendly conditions is paramount, and thus we must turn to domestic sources.

⁵ Rogan, Joe. Interview with Siddharth Kara. *The Joe Rogan Experience*. Podcast audio. Dec. 22, 2022.

<https://open.spotify.com/episode/3ZBdeZLitzqNPBbv9QIEz>

⁶ <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods/supply-chains/lithium-ion-batteries>

⁷ <https://www.unep.org/fr/node/848>

The importance of security of supply is also of vital importance. For example, in June of 2021, Secretary Lloyd Austin put out a statement regarding the Department of Defense's serious and grave concerns over our national security and our need to increase our domestic critical mineral supply:

“Strategic and critical materials are vital to our national defense and economic prosperity, enabling the United States to develop and sustain emerging technologies. They also improve our warfighting capability, support family-sustaining jobs, and strengthen our alliances and partnerships.... And “The concentration of global supply chains for strategic and critical materials in China creates risk of disruption and of politicized trade practices, including the use of forced labor. Though DoD has requirements for strategic and critical materials, the civilian economy would bear the brunt of the harm from a supply disruption event.”⁸

In fact, there are many studies, reports, and policy statements from various agencies stating the obvious – America needs to build up our critical mineral supply domestically; however, the MOU appears to incentivize just the opposite.

Secretary Blinken, it does not have to be this way. America can supply our needs and the world with cobalt mined by American miners, many of which have high-wage, union-protected jobs. My district alone, which features both the Duluth Complex and the Tamarack Intrusive Complex, accounts for 88% of America's cobalt supplies.⁹ Unfortunately, the Biden Administration appears dedicated to halting domestic production.

Just last month, the Department of the Interior wiped away 225,000 acres from mineral development in the Superior National Forest in the district I represent, taking away a huge portion of our nation's cobalt reserves, along with copper, nickel, taconite, and other salable minerals.¹⁰ Earlier in 2021, the Environmental Protection Agency remanded a Clean Water Act permit issued during the Obama Administration, when now-President Joe Biden was Vice President.¹¹ This does not stop in Minnesota, either. Actions taken in Alaska, Arizona, Nevada, and other states by this Administration have severely hampered the domestic mining industry's efforts to expand our supply of vitally important minerals.

I look forward to your response to the significant concerns regarding human rights and security of supply raised above. In addition, I would appreciate your response to the following questions:

1. What actions will the Administration take to ensure that the minerals covered by the MOU and funded by our taxpayers will not be sourced using child and/or slave labor?
2. What assurances, if any, can you make that stringent environmental standards are being followed in these mines?

⁸ <https://www.defense.gov/News/Releases/Release/Article/2649649/the-defense-departments-strategic-and-critical-materials-review/>

⁹ https://www.mesabitrubine.com/mine/minnesota-has-the-metals-for-ev-green-energy-economy/article_810ada2c-7646-11eb-bb2c-bb7589cbe044.html

¹⁰ <https://usfs-public.app.box.com/embed/s/94gd1b7uzfbsqp9r9hj5e8bjnb1hju0a/file/975129768388>

¹¹ <https://www.mining.com/epa-says-polymets-copper-nickel-mine-in-minnesota-may-affect-wisconsins-fond-du-lacs-water-quality/>

3. Will any of the mines supplying these minerals be Chinese-owned? If so, please provide the names of these companies.
4. What steps are being taken to ensure that corruption, bribery, embezzlement, and other prohibited and unlawful practices are not being used in the marketplace?

Your MOU with the DRC and Zambia validates and rewards these conditions, endangers our national security supply chains, and signals to the world that your State Department's energy goals are more important than the basic rights of the people who currently supply cobalt to the international marketplace. If this Administration were serious about invigorating mineral supply chains, you should be looking right here in America and unlocking our own vast mineral wealth.

Mr. Secretary, we can do better. I look forward to advancing legislation that removes the politics from domestic mining and updates our broken permitting process, all while enabling the United States to accomplish this Administration's energy goals. In the meantime, I request that you consider the very negative and dire consequences of supporting a cobalt supply chain tainted with child slave labor and rescind the MOU with the DRC and Zambia.

Sincerely,



Pete Stauber
Member of Congress
Minnesota's Eighth Congressional District